

REQUIREMENTS FOR THE "NO-RISK" WAIVER AUTHORIZED BY EPA UNDER THE MINOR REVISIONS TO THE LEAD AND COPPER RULE

Under the Minor Revisions to the Lead and Copper Rule (LCMR) small systems that meet the materials and monitoring criteria specified in this summary may apply to the State to reduce the frequency of monitoring for lead and copper to once every nine years (i.e., a "full waiver"). If a small system meets the criteria for only one contaminant, that is only for lead or only for copper, they may apply to the State for a waiver to reduce the frequency of tap water monitoring to once every 9 years for that contaminant only (i.e., a "partial waiver").

The "no-risk waiver" will allow bottlers, water haulers or other systems with combinations of stainless and/or plastic piping to reduce sampling frequency to once or twice in a 9-year compliance period. 2002 is the first year of a new 9-year compliance period and all those facilities that formerly held an "all-plastic waiver" must renew their waiver under this new designation. The only qualifications for the "no-risk waiver" are:

- 1) The system must provide an affidavit certifying that the distribution system contains insignificant amounts of copper or lead metal components. This includes the distribution system, service lines and all drinking water supply plumbing for all buildings connected to the system;
- 2) Facilities that have never completed initial monitoring must submit sample results from two consecutive six-month sampling events, demonstrating 90th %-ile concentrations of copper below 0.65 mg/L and lead 90th %-ile concentrations below 0.005 mg/L or, for water haulers, demonstrating no increase in lead or copper concentration from the actual source to the point of delivery for each vehicle; facilities that held a waiver previously or those that have completed initial monitoring some time in the past must submit sample results from a single annual sample event, demonstrating 90th %-ile concentrations of copper below 0.65 mg/L and lead 90th %-ile concentrations below 0.005 mg/L, and
- 3) The system must send the Department a letter requesting consideration for the "no-risk waiver" accompanying the results from their most recent sampling event(s).

The State will notify the system of its waiver determination, detailing the basis of its decision and any conditions on the scope of the waiver.

Sampling results must be taken from within the distribution system of the public water supply and in numbers consistent with the population served, as required by ARM 17.38.216(3)(m). Water haulers would only have to sample one time per sample period and from each vehicle used.